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EXAMINER				
PATEL, CHIRAG R				
ART UNIT		PAPER NUMBER		
2454				
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10/06/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com
rswiplaw@us.ibm.com

Office Action Summary

Application No.

10/723,115

Applicant(s)

BARRON ET AL.

Examiner

CHIRAG R. PATEL

Art Unit

2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Response to Arguments

In view of the appeal brief filed on August 5, 2009, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

***.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

As per claims 1, 10, 19 and 28, the specification lacks antecedent basis for "wherein the desired file is retrieved in isolation from an operating system of the computer system". See rejections under 112 1st Paragraph.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 10, 19, and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The previously amended claim limitations, "wherein the desired file is retrieved in isolation from an operating system of the computer system" is contrast to applicant's disclosure, per [0022] "the present invention isolates the user from the operating system of the individual computer systems. That is, the user need only know how to navigate about the provided interface pages" A review of applicant's disclosure fails to even remotely disclose "wherein the desired file is retrieved in isolation from an operating system of the computer system".

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claim 19, "system" is directed to "software per se", and thus fails to falls within a statutory category of invention. These steps fail to be embodied on a medium or a hardware structure that meets a statutory category of invention.

Claims 20-27 are rejected under 35 U.S.C. 101 due to its dependency on claim 19.

As per claim 28, the broadest reasonable interpretation of "recordable medium" includes transmission media, such as signal media and carrier waves, which falls outside a statutory category of invention.

Claims 29-36 are rejected under 35 U.S.C. 101 due to its dependency on claim 28.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-12, 14-15, 17-21, 23-30, and 32-36 are rejected under 35

U.S.C. 102(e) as being anticipated by Tadayon et al. – hereinafter Tadayon (US 2004/0249902).

As per claims 1, 10, 19, and 28, Tadayon discloses a computer-implemented method for providing real-time access to information on a computer system over a network, comprising:

receiving login data on the computer system from a user over the network;
([0080]; Figure 3: item 200)

retrieving access control permissions for the user based on the login data;
([0082]; Figure 3: item 210)

presenting to the user in a user interface a list of files on the computer system
([0083]; Figure 3: item 212) along with a list of links to other computer systems to which the user has access, ([0099]; Figure 9: item 302) the list of files having all files that the user is authorized to access irrespective of a location of the files within the computer system, the files being specific files that are independent of each other, wherein the list of files is determined based on the access control permissions; ([0083]; Figure 2: item 212)

receiving from the user a selection of a desired file from the list of files; and
([0117])

retrieving the desired file in real-time ([0104]) and communicating information in the desired file to the user, ([0117])

wherein the desired file is retrieved in isolation from an operating system of the computer system. ([0063]; has a computer platform with a web browser software program; [0064]; [0067]; interface 142 is used to present a "folder" window to the user, which in the present form is a Java tree-type structure, as seen on FIG. 4 by the folder window 260; this reads on the user need only know how to navigate about the provided interface pages per [0022] of applicant's disclosure; see 112 1st rejections)

As per claims 2, 11, 20, and 29, Tadayon discloses the computer-implemented method of claim 1, wherein the network is the Internet, and wherein the user interface is a web browser. ([0063])

As per claims 3, 12, 21, and 30, Tadayon discloses the computer-implemented method of claim 1, wherein the list of files contains at least one file type selected from the group consisting of a properties file, a configuration file and a log file. ([0086])

As per claims 5, 14, 23, and 32, Tadayon discloses the computer-implemented method of claim 1, further comprising the user searching the information using the user interface. ([0095])

As per claims 6,15, 24, and 33, Tadayon discloses the computer-implemented method of claim 1, wherein the computer system is one of a plurality of computer systems interconnected in a distributed environment. ([0063])

As per claims 7, 25 and 34, Tadayon discloses the computer-implemented method of claim 1, wherein the files in the list of files are stored on the computer system.([0095])

As per claims 8, 17, 26, and 35, Tadayon discloses the computer-implemented method of claim 1, the information in the file is communicated to the user interface for display. ([0067])

As per claims 9, 18, 27 and 36, Tadayon discloses the computer-implemented method of claim 1, wherein communicating the information in the desired file comprises downloading the desired file to the user for display of the information within the user interface. ([0095])

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 13, 16, 22 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadayon (US 2004/0249902) in view of Rosenzweig (US 2001/0034814).

As per claims 4, 13, 22 and 31, Tadayon discloses the computer-implemented method of claim 1. Tadayon fails to disclose further comprising receiving from the user a selection of a particular location within the desired file, wherein the information communicated to the user is from the particular location. Rosenzweig discloses further comprising receiving from the user a selection of a particular location within the desired file, wherein the information communicated to the user is from the particular location.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Tadayon to disclose receiving from the user a selection of a particular location within the desired file, wherein the information communicated to the user is from the particular location. The motivation would have been so that users can follow or navigate a chain of links by selecting the anchors.

As per claim 16, Tadayon discloses the computer-implemented method of claim 10. Tadayon discloses presenting to the user a new list of files the user is authorized to access on the other one of the plurality of interconnected computer systems, ([0083]; Figure 3: item 212) , and wherein the desired file is retrieved in real-time ([0104]) from the other one of the plurality of interconnected computer systems. ([0117])

Rosenzweig discloses further comprising: receiving a selection of a link in the list of links after the presenting step;

and accessing another one of the plurality of interconnected computer systems based on the selection of the link; ([0050])

wherein the selecting step comprises selecting the desired file from the new list of files ([0050])

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 8:00AM to 4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on (571) 272-1915.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/C. R. P./
Examiner, Art Unit 2454
/NATHAN FLYNN/

Supervisory Patent Examiner, Art Unit 2454